

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

HAWAII CARPENTERS TRUST	)	CIVIL NO. CV 16-00670-DKW-KSC
FUNDS, <i>Health &amp; Welfare Fund by</i>	)	
<i>its trustees</i> Henry Iida, Russell	)	DECLARATION OF JEFFREY P.
Young, Audrey Hidano, Glen	)	MILLER; EXHIBITS "1" – "3"
Kaneshige, Eric Hashizume, George	)	
Ehara, Ronald Taketa, Kyle Chock,	)	
Shayne Chung, Conrad C. Verdugo,	)	
Jr., Ralph Hoohuli, and Travis	)	
Murakami; <i>Apprenticeship &amp;</i>	)	
<i>Training Fund by its trustees</i> Claude	)	
Matsumoto, Thomas Toma, Conrad	)	
Murashige, Dale Sakamoto-Yoneda,	)	
Roy Morioka, Vince Nihipali, Sheri	)	
Mau, Mike Goodnight, Kyle Chock,	)	
Ronald Taketa, Mitchell Tynanes,	)	
Sean Newcamp, Ralph Hoohuli and	)	
Travis Murakami; <i>Vacation &amp;</i>	)	
<i>Holiday Fund by its trustees</i> Gerard	)	
Sakamoto, James Watanabe, Paul	)	
Silen, Paul Sasaki, Jay Kadowaki,	)	
Sharon Thom, Roy Morioka, Kyle	)	
Chock, Sean Newcamp, Mitchell	)	
Tynanes, Ralph Hoohuli, and Travis	)	
Murakami; <i>Market Recovery Program</i>	)	
<i>by its trustees</i> Thalia Choy, Alan	)	
Shintani, Justin Izumi, Ken	)	
Kawamoto, Gerard Sakamoto, Bill	)	
Wilson, Lance Wilhelm, Leonard	)	
Hoshijo, Justin Kochi, Garrett Takara,	)	
Sean Newcamp, Kyle Chock, David	)	
Samson and Mitchell Tynanes;	)	
<i>Financial Security Fund by its</i>	)	
<i>trustees</i> Kenneth Spence, Conrad	)	
Murashige, Kenneth Sakurai, Wesley	)	
Mikuni, Alan Shintani, Kyle Chock,	)	
Ronald Taketa, Shayne Chung, Sean	)	

Newcamp, Garrett Takara, Ralph	)
Hoohuli, Clyde Sugawa, Joyce	)
Furukawa, and Travis Murakami;	)
<i>Drywall Training Fund by its trustees</i>	)
Vince Nihipali, Sr., Lito Alcantra,	)
Bert Beaman, Mike Goodnight, Kevin	)
Respecki, Sean Newcamp, Garrett	)
Takara, Edmund Aczon, David	)
Samson and Ivan Lay; <i>401-K Fund by</i>	)
<i>its trustees</i> Kenneth Spence, Conrad	)
Murashige, Kenneth Sakurai, Wesley	)
Mikuni, Alan Shintani, Kyle Chock,	)
Ronald Taketa, Shayne Chung, Sean	)
Newcamp, Ralph Hoohuli, Clyde	)
Sugawa, Joyce Furukawa, and Travis	)
Murakami,	)
	)
Plaintiffs,	)
	)
vs.	)
	)
VISIONARY GENERAL	)
CONTRACTING, LLC, JOHN	)
DOES 1-100; JANE DOES 1-100;	)
DOE CORPORATIONS 1-100; DOE	)
PARTNERSHIPS 1-100; DOE	)
ENTITIES 1-100; DOE	)
GOVERNMENTAL UNITS 1-100,	)
	)
Defendants.	)
	)
	)

**DECLARATION OF JEFFREY P. MILLER**

JEFFREY P. MILLER, hereby declares as follows:

1. I am an attorney licensed to practice law in all courts of the

State of Hawaii and the United States District Court, District of Hawaii.

2. I am a member of the law firm of Miller Shea, attorneys for Plaintiffs Hawaii Carpenters Trust Funds (“HCTF”) in the above-entitled matter.

3. I have personal knowledge of the matters set forth herein except and unless stated to be upon information and belief.

4. The Complaint and Summons in this action was served upon Defendant in accordance with Rule 4 of the Federal Rules of Civil Procedure.

5. Defendant Visionary General Contracting, LLC was served on January 7, 2017. A true and correct copy of the Return of Service is attached hereto as Exhibit “1”.

6. In accordance with Rule 12(a) of the Federal Rules of Civil Procedure, Defendant Visionary General Contracting, LLC’s Answer or other response to the Complaint was due on or before January 30, 2017.

7. Defendant Visionary General Contracting, LLC has not answered nor otherwise responded to the Complaint, and the time to answer was not extended.

8. HCTF filed an Ex Parte Request to Clerk for Entry of Default as to Defendant, which was granted and entered by the Court on February 7, 2017. Attached hereto as Exhibit “2” is a true and correct copy of the February 7, 2017 Entry of Default.

9. To date, HCTF has incurred attorneys' fees and costs in the amount of \$1,857.96 in prosecuting this action. Attached hereto as Exhibit "3" are true and correct copies of the attorney billing invoices to HCTF for this matter through February 28, 2017.

10. Declarant anticipates that HCTF will incur an additional 3.0 hours of attorney time in the amount of \$785.34 (\$750.00 fees + \$35.34 general excise tax) attending the hearing of this motion and the preparation of the order and judgment thereafter. Thus, HCTF request it be awarded a total of \$2,643.30 in attorneys' fees and costs.

11. Declarant is a member of Miller Shea and represents HCTF in this matter. Declarant was admitted to the California bar, the United States District Court for the Northern District of California, and the United States Court of Appeals for the Ninth Circuit in 1988, and was admitted to the Hawaii bar and the United States District Court for the District of Hawaii in 2001. Declarant has continuously practiced law in the state and federal courts in California and Hawaii for the past twenty-eight years. Declarant's current practice focuses on commercial litigation, collections, public procurement, construction disputes, real estate, landlord-tenant disputes and personal injury.

12. Declarant's billing rate for this matter is \$250.00 per hour plus the Hawaii general excise tax.

13. The fees attributed to each timekeeper are based on experience, background, and expertise, and based on the practice of law in Honolulu, the hourly rates are reasonable and are the prevailing market rate for professionals of similar experience and background.

14. This Declaration is executed in accordance with Rule 55 of the Federal Rules of Civil Procedure for the purpose of enabling Plaintiffs to obtain default judgment against Defendant for the failure to answer or otherwise defend against Plaintiffs' Complaint.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Honolulu, Hawaii, March 7, 2017.

/s/ Jeffrey P. Miller  
JEFFREY P. MILLER